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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,716	06/26/2003	Marian Rudolf	I-2-0361.1US	5784

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EXAMINER

LU, ZHIYU

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/606,716	Applicant(s) RUDOLF ET AL.	
	Examiner Zhiyu Lu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 25-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieshout et al. (US2002/0094833) in view of Fauconnier et al. (US2002/0025820), and Terry et al. (US2003/0016641).

Regarding claim 25, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in response to claim 36 below, where a logic device configured to control a measurement request device in inherent in network controller.

Regarding claim 29, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) serving radio network controller (SRNC) as explained in

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response to claim 36 below, where a measurement response device is inherent in network controller.

Regarding claim 32, Leishout et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) radio network controller (RNC) configured to operate as a serving radio network controller (SRNC) and a drift radio network controller (DRNC) as explained in response to claim 36 below, where a logic device configured to control a measurement request device is inherent in network controller.

Regarding claim 36, Lieshout et al. teach a method for use in a wideband code division multiple access communication system having a serving radio network controller (SRNC) and a drift radio network controller (DRNC), the method comprising:

It is known that a RNC can be as either a SRNC or a DRNC, which depends on the perspective of a user equipment (UE).

requesting by one of the DRNC (28 of Fig. 3) and the SRNC (26 of Fig. 3) common measurements using a global procedures module of a radio network sublayer application part (RNSAP) procedures over a radio network controller interface (IUR) for an other of the DRNC and the SRNC (paragraph 0042), the common measurements including received total wideband power and load (Figs. 2-4, paragraphs 0014-0016);

in response to receiving requests for the common measurements using the global procedures module of the RNSAP procedures from the IUR by the other of the DRNC and the

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SRNC, sending a response message using the global procedures module of the RNSAP procedures over the IUR (paragraphs 0014-0016);

SRNC taking measurements in received signal strength, SIR, etc. for determining transmit power (paragraphs 0038-0040), and taking measurements in power strength and interference (paragraphs 14, 40); and

the SRNC in response to receiving the request for user measurements, sending the user measurement to the DRNC using RNSAP procedures over the IUR (paragraphs 0014-0016).

But, Lieshout et al. do not expressly disclose common measurements including global positioning system (GPS) timing information; and the user measurements including received signal code power (RSCP) and interference signal code power (ISCP).

Fauconnier et al. teach common measurements including global positioning system (GPS) timing information (paragraph 0109).

Ranta teaches taking measurement of a downlink common control physical channel (CCPCH) received signal code power (RSCP) in relation to power control (paragraph 0059).

Terry et al. teach taking measurements in received signal code power (RSCP) and interference signal code power (ISCP). (paragraph 0008).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate GPS timing info taught by Fauconnier et al., RSCP and ISCP taught by Terry et al. into the measurements of method of Leishout et al., in order to use for signal synchronization and transmit power determination.

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Regarding claims 26, 30, 33 and 37, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25, 29, 32 and 36.

Terry et al. also teach the RSCP is the RSCP of a common control channel (paragraph 0008).

Regarding claims 27 and 34, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Leishout et al. also teach the measurement request device is configured to receive responses the requests for common measurements and user measurements (paragraph 0014).

Regarding claims 28 and 35, Leishout et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Terry et al. also teach a measurement collection device (CQ storage device in base station) for storing the received responses (paragraph 0021)

Regarding claim 31, Leishout et al., Fauconnier et al., and Terry et al. teach the limitation of claim 29.

Leishout et al. also teach the measurement response device is configured to retrieve the user measurements from a measurement collection device (paragraphs 0035, 0043-0044).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vuong Quochien can be reached on (571) 272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu
August 8, 2006

 8/11/06
QUOCHIEN B. VUONG
PRIMARY EXAMINER